HON'BLE SHRI JUSTICE NOOTY RAMAMOHANA RAO

W.P. No.28351 of 1998

31.8.2007

Between

G.Madhusudhan Reddy ..Petitioner

AND

District Cooperative Officer, Nellore District and another ..Respondents

:: JUDGMENT ::

HON'BLE SHRI JUSTICE NOOTY RAMAMOHANA RAO

W.P. No.28351 of 1998

Heard Sri B.Venkateswarlu learned counsel appearing on behalf of the writ petitioner and the learned Government Pleader for Cooperation.

The grievance entertained by the writ petitioner is that pending disciplinary proceedings, he has been placed under suspension and his very existence has been forgotten by the respondent Cooperative Society. He was not paid the subsistence allowance to which he is otherwise entitled to in terms of the Byelaws regulating the conditions of service. Therefore, this Court by its interim order dated 22.12.1998 directed the respondents to pay all the arrears of subsistence allowance upto the end of December, 1998 and also continue to pay the same.

The learned Government Pleader upon instructions has reported that in the disciplinary proceedings, it has been held established that the writ petitioner has misappropriated huge sums of money of the Society and consequently, he had been inflicted with the punishment of dismissal from service and therefore, the cause in the writ petition does not survive, for, the relationship of master and servant has been brought to an end.

The learned counsel for the petitioner is not in a position to assert that as to whether the writ petitioner has been truly dismissed from service or not or he was paid or not paid the subsistence allowance or there was any other proceedings initiated against him for recovery of the funds belonging to the Society said to have been embezzled by him.

In view of the orders passed by this Court on 22.12.1998, there is no reason to doubt that the writ petitioner could not have been paid the subsistence allowance. If there is any grievance still subsisting in that regard, it is open to the writ petitioner to take such measures as are available to him under law.

With this, the writ petition stands disposed of. No costs.

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NOOTY RAMA MOHANA RAO.J.

31.8.2007
psr